<u>Remarks</u>

Applicant respectfully requests reconsideration. Claims 2, 10, and 15 have been amended.

The Examiner has rejected claim 2 under 35 U.S.C. §101, as being directed to non-statutory subject matter. Applicant has amended claim 2 to overcome this rejection.

Claim 2 as amended is directed to a method operable on a clocking system for producing a plurality of desired frequencies. The recited claim includes steps for determining certain divider values. Claim 2 has been amended to recite an additional step of—

(F) configuring the clocking system responsive to at least one of the divider values.

The "clocking system" is not an abstraction or a mere mental construct. It is a physical, generally electronic, piece of equipment. The recited step configures the clocking system with one or more of the divider values. A clocking system configured this way can then be used, for example, to produce desired frequencies for testing electronic devices.

One example of the recited "configuring" step can be found at paragraph [0090] of the specification:

In addition to generating configuration data, the system for configuring clocks can also be used to program a tester's clocking system directly. For example, the GUI of the Clock Manager can include an additional control that, when activated, causes the software to set up the tester according to the clocking configuration data.

In accordance with State Street Bank & Trust Co. v. Signature Financial Group, Inc., 149 F3d. 1368, 47 USPQ 2d. 1596 (Fed. Cir. 1998), a claim meets the requirements for statutory subject matter if the claimed invention as a whole produces a "useful, concrete, and tangible result."

Taken as a whole, the method recited in claim 2 as amended clearly produces a "useful, concrete, and tangible result," i.e., configuring a clocking system. Therefore, claim 2 as amended clearly meets the requirements for statutory subject matter , and the rejection of claim 2 as amended under 35 U.S.C. § 101 should be withdrawn.

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Claim 2 as amended has not been rejected under any other grounds. Therefore, claim 2 as amended is allowable.

Claims 3-9 depend from claim 2 as amended and are allowable for the same reasons.

The Examiner has also rejected claim 10 under 35 U.S.C. §101, as being directed to non-statutory subject matter. Applicant has amended claim 10 to overcome this rejection.

Claim 10 as amended is directed to a method operable on a clocking system for producing a plurality of desired frequencies. The recited claim includes steps for determining certain divider values. Claim 10 has been amended to recite an additional step of—

(F) inserting test program code into a test program for automatic test equipment, responsive to at least one of the divider values.

The "test program code" is not a mere abstraction. It is actual code inserted into test program. The "test program code" can be used, for example, for configuring the clocking system of automatic test equipment for testing integrated circuits.

One example of the recited "inserting" step can be found at paragraph [0090] of the specification:

As yet another alternative, the GUI can include a control for generating test program code. When activated, the control causes the software to generate test program code for inclusion in a test program. The test program code can be in the native language of the tester, or in a universal testing language that is later translatable into tester-specific code. When the test program is later run, the program code will configure the tester in accordance with the clocking configuration data to establish the desired configuration.

Taken as a whole, claim 10 as amended clearly recites a method that produces a "useful, concrete, and tangible result" (*Id.*), i.e., inserting code into a test program for automatic test equipment. Therefore, claim 10 as amended meets the requirements for statutory subject matter, and the rejection of claim 10 as amended under 35 U.S.C. § 101 should be withdrawn.

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Claim 10 as amended has not been rejected under any other grounds. Therefore, claim 10 as amended is allowable.

Claims 11-14 depend from claim 10 as amended and are allowable for the same reasons.

The Examiner has also rejected claim 15 under 35 U.S.C. §101, as being directed to non-statutory subject matter. Applicant has amended claim 15 to overcome this rejection.

Claim 15 as amended is directed to a method operable on a clocking system for producing a plurality of desired frequencies. The recited claim includes steps for determining certain divider values. Claim 15 has been amended to recite an additional step of—

(H) inserting test program code into a test program for automatic test equipment, responsive to at least one of the divider values.

As explained above in connection with claim 10 as amended, the "test program code" is not a mere abstraction. It is tangible code inserted into test program for automatic test equipment. An example of the recited "inserting" step can be found at paragraph [0090] of the specification, quoted above.

Taken as a whole, claim 15 as amended clearly recites a method that produces a "useful, concrete, and tangible result." *Id.* Therefore, the rejection of claim 15 as amended under 35 U.S.C. § 101 should be withdrawn.
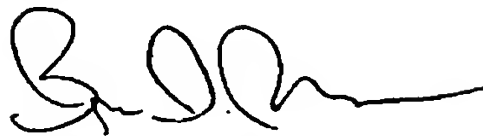
Claim 15 as amended has not been rejected under any other grounds. Therefore, claim 15 as amended is allowable.

Claims 16-20 depend from claim 15 as amended and are allowable for the same reasons.

Conclusion:

Applicant contends that the application is now in condition for allowance. A notice to that effect is earnestly solicited.

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Respectfully Submitted,

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